

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER SITE :
LITIGATION :

**ORDER SUA SPONTE DISMISSING
COMPLAINT**

: 21 MC 100 (AKH)
: 10 Civ. 6879
:

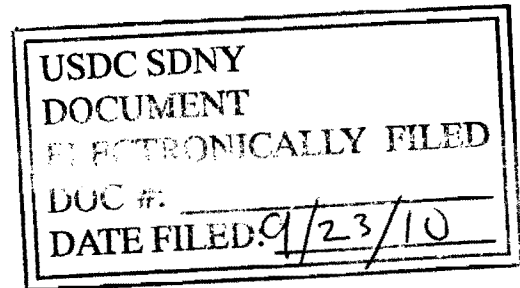
JAMES MCFADDEN,

Plaintiff,

-against-

AMEC CONSTRUCTION MANAGEMENT, INC.,
et al.,

Defendants.
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ALVIN K. HELLERSTEIN, U.S.D.J.:

This complaint is dismissed with prejudice. Plaintiff has previously filed a complaint alleging claims arising out of work performed in the cleanup operations that occurred after the terrorist-related aircraft crashes of September 11, 2001. The complaint was dismissed with prejudice on March 3, 2009. Order, In re World Trade Center Disaster Site Litigation, 21 MC 100 (Doc. No. 1160) (S.D.N.Y. March 3, 2009). Plaintiff may not file a new complaint asserting the same cause of action.

Plaintiff also has filed a motion under Federal Rule of Civil Procedure 60(b) to reconsider the dismissal order of March 3, 2009. Any opposition papers will be due by September 29, 2010. Upon receipt of defendants' opposition papers, if any, the Court will consider the motion.

SO ORDERED.

Dated: September 22, 2010
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge